

1 Anna Y. Park, CA SBN 164242
2 U.S. EQUAL EMPLOYMENT
3 OPPORTUNITY COMMISSION
4 255 East Temple Street, Fourth Floor
5 Los Angeles, CA 90012
6 Telephone: (213) 894-1083
7 Facsimile: (213) 894-1301
8 E-Mail: lado.legal@eeoc.gov

9
10 Wilfredo Tungol , HI SBN 2550
11 U.S. EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION
13 300 Ala Moana Boulevard, Room 7-127
14 Honolulu, HI 96850
15 Telephone: (808) 541-3121
16 Facsimile: (808) 541-3390
17 E-Mail: wilfredo.tungol@eeoc.gov

18
19 Attorneys for Plaintiff
20 U.S. EQUAL EMPLOYMENT
21 OPPORTUNITY COMMISSION

FILED

DISTRICT COURT OF GUAM

SEP 29 2006

MARY L.M. MORAN
CLERK OF COURT

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF GUAM

15
16 U.S. EQUAL EMPLOYMENT
17 OPPORTUNITY COMMISSION,

18 Case No.: 06-00028

19 Plaintiff,
20 vs.
21 LEO PALACE RESORT,
22 Defendants.

22 COMPLAINT—TITLE VII
23 Sexual Harassment
24 Retaliation

25 JURY TRIAL DEMAND

1 Rosemarie Taimanglo and other similarly situated individuals, who were adversely affected by
2 such practices. As set forth more fully in this Complaint, Plaintiff U.S. Equal Employment
3 Opportunity Commission alleges that Viviene Villanueva, Jennifer Holbrook, Rosemarie
4 Taimanglo and other similarly situated individuals were subjected to a hostile work environment
5 on the basis of their sex, female, and that Jennifer Holbrook and Rosemarie Taimanglo were
6 retaliated against for complaining of the hostile work environment, by Defendant Leo Palace
7 Resort. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and
8 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section
9 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)
10 and § 2000e-6 (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

11 **VENUE**

12 2. The employment practices alleged to be unlawful were and are now being
13 committed within the jurisdiction of the United States District Court for the District of Guam.

14 **PARTIES**

15 3. Plaintiff, the U.S Equal Employment Opportunity Commission (“EEOC” or
16 “Commission”), is the agency of the United States of America charged with the administration,
17 interpretation and enforcement of Title VII, and is expressly authorized to bring this action by
18 Section 706(f)(1) and (3) and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §
19 2000e-6.

20 4. At all relevant times, Defendant Leo Palace Resort has continuously been a
21 corporation doing business in Guam and the City of Yona, and has continuously had at least
22 15 employees.

23 5. At all relevant times, Defendant Employer has continuously been an employer
24 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
25 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

26 **STATEMENT OF CLAIMS**

27 6. More than thirty days prior to the institution of this lawsuit, Viviene Villanueva,
28 Jennifer Holbrook and Rosemarie Taimanglo filed charges with the Commission alleging

1 violations of Title VII by Defendant Employer. All conditions precedent to the institution of this
2 lawsuit have been fulfilled.

3 7. From June 2004, Defendant Employer engaged in unlawful employment practices
4 at their Yona, Guam location, in violation of Title VII, 42 U.S.C. § 2000e-2, by subjecting
5 Viviene Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated
6 individuals to a hostile working environment on the basis of sex. Viviene Villanueva, Jennifer
7 Holbrook, Rosemarie Taimanglo and other similarly situated individuals were subjected to
8 unwelcome severe and/or pervasive harassment by a female co-worker that included, but was not
9 limited to, frequent and repeated physical touching, requests for sex, and gestures and
10 commentary of a sexual nature that persisted despite numerous complaints of the behavior made
11 to Defendant Employer. Defendant Employer further failed to exercise reasonable care to
12 prevent and correct promptly the sexually harassing behavior. All three employees were
13 constructively discharged as a result.

14 8. Beginning on or about June 2004, and continuing thereafter, Defendant
15 Employers engaged in unlawful employment practices at their Yona, Guam, location, in
16 violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3 by retaliating against Jennifer
17 Holbrook and Rosemarie Taimanglo for opposing the harassment described in paragraph 9 above
18 which led to their constructive discharge. Specifically, Defendant Employers took an adverse
19 employment action against Jennifer Holbrook and Rosemarie Taimanglo by reducing hours and
20 subjecting them to discipline and failing to maintain the confidentiality of their harassment
21 complaints which led to their constructive discharge.

22 9. The effect of the practices complained of above has been to deprive Viviene
23 Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated individuals of
24 equal employment opportunities and otherwise adversely affect their status as an employee,
25 because of their sex, female.

26 10. The unlawful employment practices complained of above were and are
27 intentional.

28 ///

1 11. The unlawful employment practices complained of above were and are done with
2 malice or with reckless indifference to the federally protected rights of Viviene Villanueva,
3 Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated individuals.

PRAYER FOR RELIEF

5 | Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
7 successors, assigns, and all persons in active concert or participation with them, from engaging
8 in sexual harassment, retaliation and any other employment practice which discriminates on the
9 basis of sex.

10 B. Order Defendant Employer to institute and carry out policies, practices, and
11 programs which provide equal employment opportunities, and which eradicate the effects of
12 their past and present unlawful employment practices.

13 C. Order Defendant Employer to make whole Viviene Villanueva, Jennifer
14 Holbrook, Rosemarie Taimanglo and other similarly situated individuals, by providing
15 appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other
16 affirmative relief necessary to eradicate the effects of their unlawful employment practices.

17 D. Order Defendant Employers to make whole Viviene Villanueva, Jennifer
18 Holbrook, Rosemarie Taimanglo and other similarly situated individuals, by providing
19 compensation for past and future pecuniary losses resulting from the unlawful employment
20 practices described above, in amounts to be determined at trial.

21 E. Order Defendant Employers to make whole Viviene Villanueva, Jennifer
22 Holbrook, Rosemarie Taimanglo and other similarly situated individuals by providing
23 compensation for past and future nonpecuniary losses resulting from the unlawful practices
24 complained of above, including emotional pain, suffering, inconvenience, loss of enjoyment of
25 life, and humiliation, in amounts to be determined at trial.

26 F. Order Defendant Employers to pay Viviene Villanueva, Jennifer Holbrook,
27 Rosemarie Taimanglo and other similarly situated individuals punitive damages for its malicious
28 and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Ronald S. Cooper
General Counsel

James L. Lee
Deputy General counsel

Gwendolyn Young Reams
Associate General Counsel

Dated: September 27, 2006.

ANNA Y. PARK
Regional Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

By: LAWRENCE J. TEKER
By designation